

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM TAYLOR,

Plaintiff,

v.

SGT. BECKER, et al.,

Defendants.

No. C15-5034 RBL-KLS

REPORT AND RECOMMENDATION
Noted For: April 24, 2015

Plaintiff William Taylor has failed to keep the Court advised as to his current address. It has been more than sixty days since the Court's mailing to Plaintiff was returned and the Court does not have a current address for him. Therefore, the undersigned recommends that the Court dismiss this action as Plaintiff appears to have abandoned his case.

DISCUSSION

On January 15, 2015, Plaintiff filed an application to proceed in forma pauperis (IFP) and proposed civil rights complaint. ECF No. 1. On January 30, 2015, the Court granted Plaintiff leave to proceed IFP. Dkt. 7. However, the Court declined to serve Plaintiff's complaint and ordered him to show cause why his complaint should not be dismissed or to file an amended complaint. Dkt. 9. Plaintiff was given until March 2, 2015 to comply with the Court's Order. *Id.*

1 On February 6, 2015, the Court's Order addressed to Plaintiff was returned to the Court
2 marked "Return to Sender – Inmate No Longer Here." Dkt. 10. Plaintiff has not provided his
3 current address to the Court.

4 Rule 41(b)(2) of the Local Rules provides:

5 A party proceeding pro se shall keep the court and opposing parties advised as to
6 his current address. If mail directed to a pro se [Plaintiff] by the clerk is returned
7 by the Post Office, and if such [Plaintiff] fails to notify the court and opposing
8 parties within 60 days thereafter of his current address, the court may dismiss the
action without prejudice for failure to prosecute.

9 CR 41(b)(2), Local Rules W.D. Wash.

10 CONCLUSION

11 This action has existed more than sixty days without a current address for the Plaintiff.
12 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned
13 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local
14 Rule 41(b)(2).
15

16 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
17 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
18 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
19 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
20 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
21 **April 24, 2015**, as noted in the caption.

22 **DATED** this 6th day of April, 2015.

23
24 

25 Karen L. Strombom
26 United States Magistrate Judge